

Remarks

Claims 1, 3-4, and 7-63 are presently pending in the application.

The Examiner is respectfully requested to reconsider and withdraw the rejection of claims 5, 7-11 and 14-47 under 35 U.S.C. 103(a) as being unpatentable over Khare et al. (U.S. 5,439,867) in view of Bailey et al. (U.S. 4,634,515).

Khare discloses a fluidizable sorbent composition comprising zinc oxide, alumina, and silica (*see* Abstract). The sorbent can also contain a binder such as sodium silicate (*see* col. 2, lines 47-51).

Bailey discloses a sulfur trap to reduce the sulfur level of a reformer feed (*see* Abstract). This trap contains a fixed bed of a catalyst (*see* col. 2, lines 32-36). The catalyst is a nickel adsorbent in highly reduced form supported on alumina (*see* col. 3, lines 12-14).

Section 2143.01 of the MPEP states that a proposed modification cannot change the principle of operation of a reference (*see* MPEP, pages 2100-2132).

The Khare reference states "... it is critical for the sorption composition to have certain physical properties in order for it to be both fluidizable and able to remove by a sorption mechanism, hydrogen sulfide from a fluid stream" (*see* Khare col. 2, lines 29-36).

Combining Bailey with Khare would change the principle of operation of Khare, since the Bailey catalyst is used for a fixed bed system, and the Khare composition must have qualities that render it useful for a fluidized bed system. Any attempt to use the Bailey reference to modify the Khare reference would be impermissible hindsight.

Response to Response to Arguments

The suggestion that it is obvious to modify the process of Khare to include the reduced nickel of the Bailey reference is respectfully submitted to be merely an inappropriate attempt to reconstruct the claimed invention guided by having benefit of Applicant's disclosure. This is particularly noted since Khare discloses removing hydrogen sulfide from fluid streams. Bailey discloses removing residual amounts of sulfur from reformat and the instant application discloses removing sulfur from a hydrocarbon containing fluid, preferably cracked gasoline or diesel fuel.

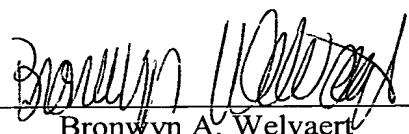
In addition, Bailey discloses that an adsorbent with minimal silica present is preferred (*see* col. 7, lines 15-57). The Khare reference discloses silica as being present in the disclosed sorbent in an amount in the range of from about 5 weight percent to about 85 weight percent, preferably in the range of from about 20 to about 60 weight percent (*see* col. 6, lines 36-42). Bailey teaches away from having a composition containing silica. Therefore, one skilled in the art would not be motivated to incorporate an active component from the Bailey adsorbent (in this case, the nickel) into a composition with a relatively greater amount of silica, such as the Khare sorbent. One would be led to believe that the activity of the resulting composition would be adversely affected.

10/021,982
33829US

In view of the foregoing remarks, Claims 1, 3-4, and 7-63 are believed to be in condition for allowance. Therefore, allowance of claims 1, 3-4, and 7-63 is respectfully requested.

Respectfully submitted,

CONOCOPHILLIPS COMPANY -
I. P. LEGAL

By 
Bronwyn A. Weltaert
Registration No. 52,350

BAW/adh

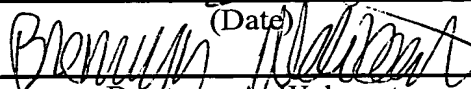
CONOCOPHILLIPS COMPANY - I. P. LEGAL
P.O. Box 2443
Bartlesville, Oklahoma 74005
918-661-0652

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, Alexandria, VA 22313-1450, on

24 June 2005

(Date)


Bronwyn A. Weltaert